

IN THE MATTER OF
JASMINE LOUISE TRAVERS
LICENSE NO.: R067911

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BEFORE THE MARYLAND
BOARD OF NURSING

* * * * *

DEFAULT FINAL DECISION AND ORDER OF SUSPENSION
OF REGISTERED NURSE LICENSE

On September 30, 2021, the Maryland Board of Nursing (the “Board”) issued a charging document¹ (the “Charges”) to **JASMINE LOUISE TRAVERS**, registered nurse (“RN”), license number **R067911**, (the “Respondent”), alleging that the Respondent violated the Maryland Nurse Practice Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.), specifically § 8-316(a)(25) [predicated on Code of Maryland Regulations (“COMAR”) 10.27.19.02C(13)] and (30).

The Board’s Charges notified the Respondent of the opportunity to request an evidentiary hearing before the Board. The Charges also advised that if the Respondent failed to submit a request for a hearing to the Board within thirty (30) days from the date of the issuance of the Charges, the Respondent would waive the opportunity for an evidentiary hearing. In the event of such a waiver, the Charges notified the Respondent that the Board would issue a final decision and order by default pursuant to the authority of § 8-316(a) and (b) of the Health Occupations Article, Md. Code Ann., State Gov’t §§ 10-210(4) and 10-221 (2014 Repl. Vol.), and COMAR 10.27.02.09, wherein the allegations of fact in the Charges would become findings of fact, the disciplinary grounds that the Charges alleged to have been violated would become conclusions of law, and a disciplinary sanction and/or monetary penalty would be imposed.

¹ The Board’s Charging Document consisted of a three-page letter and a seven-page document entitled, “Charges Under the Maryland Nurse Practice Act.” The Board’s Charging Document is appended to this Order as Exhibit A and is incorporated by reference in its entirety.

TRAVERS, Jasmine Louise (R067911)
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The Board sent its Charges by regular and certified mail to the Respondent's last known address. The Board finds that the Charges were properly issued and that due and proper notice was given to the Respondent in accordance with § 8-317(c) of the Health Occupations Article and §§ 10-207 and 10-209(c) of the State Government Article.

The Respondent failed to submit a request for an evidentiary hearing within thirty (30) days from the date of the issuance of the Board's Charges. Thus, the Board finds that the Respondent has waived the right to an evidentiary hearing and that the Board is authorized to issue this final decision and order by default pursuant to the authority of § 8-317(e) of the Health Occupations Article and § 10-210(4) of the State Government Article.

FINDINGS OF FACT

The Board adopts allegations of fact numbered 1-20 on pages 2-6 of the attached Charges as Findings of Fact.

CONCLUSIONS OF LAW

Accordingly, the Board concludes that the Respondent has violated § 8-316(a) of the Health Occupations Article:

(25) Engages in conduct that violates the professional code of ethics; *to wit*,

COMAR 10.27.19.02

C. A nurse may not engage in behavior that dishonors the profession whether or not acting in the capacity or identity of a licensed nurse, including but not limited to:

(13) Misrepresenting or concealing a material fact in obtaining a license, renewing a license, reinstating a license[.]

(30) Violates regulations adopted by the Board or an order from the Board[.]

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The Board concludes that these violations of the Act fall within category E(1) of the Board's sanctioning guidelines. *See* COMAR 10.27.26.07E(1). The range of potential sanctions under category E(1) includes probation for three (3) years to revocation, and/or monetary penalty of \$2,000 to \$5,000. *Id.*

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the license of the Respondent to practice as a registered nurse in the State of Maryland, license number R067911, is hereby **SUSPENDED FOR A MINIMUM OF ONE (1) YEAR** beginning on the effective date of this Order; and it is further

ORDERED that the Board will not consider an application for reinstatement of the Respondent's license to practice as a registered nurse any earlier than **ONE (1) YEAR** from the effective date of this Order; and it is further

ORDERED that, pursuant to the Nurse Licensure Compact,² the multistate status of the Respondent's RN license shall be **deactivated** during the pendency of this Order. Accordingly, the Respondent's RN license shall be designated as **single-state only**, and the Respondent shall not have a multistate licensure privilege to practice as an RN in any party state to the Nurse Licensure Compact. The multistate status of the Respondent's RN license shall not be reactivated unless and until the probation imposed by this Order is terminated; the Respondent's RN license is restored to full unencumbered and active status; and the Respondent is not otherwise disqualified from holding a multistate license at that time; and it is further

² The Nurse Licensure Compact is an agreement between boards of nursing of party states to the Compact under which registered nurses and licensed practical nurses may have one "multistate" nursing license in their primary state of residence that allows them to practice in any other party state pursuant to a "multistate licensure privilege." *See generally* Health Occ. §§ 8-7A-01 *et seq.* Maryland is a party state to the Compact.

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ORDERED that this Default Final Decision and Order is a **PUBLIC RECORD** under Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol.).

9/15/2022
Date

Karen E. B. Evans MSN, RN-BC
The Executive Director's Signature
Appears on the Original Document

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under § 8-316(a) of the Health Occupations Article may take a direct judicial appeal within thirty (30) days of the date this Order is mailed, as provided by § 8-318(b) of the Health Occupations Article, § 10-222 of the State Government Article, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").

SEP 16 2022

DATE MAILED: _____



Board of Nursing

Larry Hogan, Governor • Boyd K. Rutherford, Lt. Governor • Dennis R. Schrader, Secretary

September 30, 2021

VIA REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Respondent's Address Appears
On the Original Document

RE: NOTICE OF AGENCY ACTION-Charges under the Maryland Nurse Practice Act
Jasmine Travers, R067911

Dear Ms. Travers:

The Maryland State Board of Nursing (the "Board") is the state agency responsible for the regulation of the practice of nursing in the State of Maryland pursuant to the authority of the Maryland Nurse Practice Act, Md. Code Ann., Health Occupations ("Health Occ.") § 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.). Pursuant to § 8-316(a) and (b) of the Health Occupations Article, the Board may reprimand any licensee, place any licensee on probation, suspend or revoke the license of a licensee, and/or impose a monetary penalty if the Board finds that the licensee has violated any of the disciplinary grounds set forth in Health Occ. § 8-316(a)(1)-(36).

Based on the allegations of fact and violation(s) of the disciplinary ground(s) cited in the enclosed document entitled, "Charges Under the Maryland Nurse Practice Act" (hereinafter "Charges"), the Board is notifying you of its intent to take disciplinary action against your license, which may include reprimand, probation, suspension, revocation, and/or monetary penalty. This letter and the enclosed Charges constitute the notice of agency action that is required by the Maryland Administrative Procedure Act, Md. Code Ann., State Government ("State Gov't.") § 10-207.

Under § 8-317 of the Health Occupations Article, the Board is required to give you an opportunity for an evidentiary hearing before it may take any disciplinary action against your license.

TO REQUEST A HEARING:

If you wish to schedule a hearing, please submit a written request for hearing to the

4140 Patterson Avenue - Baltimore, Maryland 21215-2254
Toll Free: 1 (888) 202 - 9861 • Phone: (410) 585 - 1900 • TTY/TDD: 1 (800) 735 - 2258
Fax: (410) 358 - 3530
www.mbon.maryland.gov



**NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act
Jasmine Travers, R067911**

Board within 30 days of the date of this letter, by mail, fax or email, to:

**Attn: Amber Havens Bernal
Enforcement Division – Discipline Dept.
Maryland Board of Nursing
4140 Patterson Avenue
Baltimore, Maryland 21215
Fax: (410) 358-1499
Email: mbon.nursingdiscipline@maryland.gov**

A Request for Hearing form has been enclosed for your convenience.

If you submit a written request for an evidentiary hearing, the Board will schedule a case resolution conference to provide an opportunity for a resolution of this case without proceeding to a formal evidentiary hearing. Your attendance at the case resolution conference is voluntary, and your decision not to attend the case resolution conference will not have any influence on subsequent proceedings in this case. If you choose not to attend the case resolution conference, the Board will schedule an evidentiary hearing on the merits of the Charges.

The Board will notify you in writing, at your last known address on record with the Board, of the date, time and location of the case resolution conference and evidentiary hearing. A copy of the Board's hearing procedures will be made available to you upon request. The hearing before the Board will be conducted in accordance with the Maryland Administrative Procedure Act, State Gov't § 10-201 *et. seq.*, § 8-317 of the Health Occupations Article, and regulations promulgated by the Board at Code of Maryland Regulations ("COMAR") Title 10, Subtitle 27, Chapter 02.

Pursuant to § 8-317 of the Health Occupations Article, and §§ 10-206.1 and 10-208 of the State Government Article, you have the right to be represented by an attorney, to subpoena evidence and witnesses, to present evidence, to cross-examine witnesses called against you, and to present summation and argument. Pursuant to §§ 8-316(a) and 8-317 of the Health Occupations Article, § 10-221 of the State Government Article, and COMAR 10.27.02.09, if, after a hearing, the Board finds that you violated any of the disciplinary ground(s) cited in the Charges, the Board may take disciplinary action against your license by issuing a **public** Final Decision and Order, which will include findings of fact, conclusions of law, and a disciplinary sanction against your license, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

Also, pursuant to § 10-208(b)(7) of the State Government Article, you may agree to the evidence and waive your right to appear at the hearing before the Board. However, if you waive your right to appear at the hearing or fail to appear at the hearing for any other reason, please be advised that pursuant to § 8-317(e) of the Health Occupations Article and § 10-210(4) of the State Government Article, the Board may hear and consider the State's evidence, decide the disposition of your case despite your absence, and issue a **public** Final Decision and Order, which will include findings of fact, conclusions of law, and, if necessary, a disciplinary sanction against your license, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

IF YOU DO NOT REQUEST A HEARING:

**NOTICE OF AGENCY ACTION: Charges Under the Nurse Practice Act
Jasmine Travers, R067911**

If you do not request a hearing in writing within 30 days of the date of this letter, you will have waived your opportunity for a hearing. Pursuant to the authority of § 8-316(a) and (b) of the Health Occupations Article, §§10-210(4) and 10-221 of the State Government Article, and COMAR 10.27.02.09, the Board may, in its discretion, issue a **public** Final Decision and Order by default, in which: (1) the allegations of fact in the Charges become findings of fact; (2) the section(s) of § 8-316(a) of the Health Occupations Article that the Board has alleged you violated in the Charges become conclusions of law; and (3) a disciplinary sanction is ordered against your license, which may include reprimand, probation, suspension, revocation and/or a monetary penalty.

Any decision made by the Board regarding the Charges could affect your license to practice as a registered nurse in the State of Maryland. Any Final Decision and Order issued by the Board will be a **public document** and **cannot be expunged**. Therefore, **you are strongly advised to retain and be represented by an attorney in any proceeding before the Board. To appear on your behalf, your attorney must be admitted to the Bar in Maryland or specifically admitted pursuant to Maryland Rule 19-217 which governs special admission of out-of-state attorneys pro hac vice.**

If you or your attorney have any questions about this letter or the enclosed Charges, or you wish to see any other material in your Board file regarding this case, please contact the Administrative Prosecutor assigned to your case, Tracy Bull, AAG, at (410) 767-8993.

Karen E. B. Evans MSN, RN-BC
The Executive Director's Signature
Appears on the Original Document

Encls.: Charges under the Maryland Nurse Practice Act
Request for Hearing form

cc: Tracy Bull, Assistant Attorney General Administrative Prosecutor

IN THE MATTER OF * BEFORE THE MARYLAND
JASMINE TRAVERS * BOARD OF NURSING
LICENSE NO.: R067911 * OAG CASE NO.: 21-BP-037

* * * * *

CHARGES UNDER THE MARYLAND NURSE PRACTICE ACT

The Maryland Board of Nursing (the "Board") hereby charges the nursing license of JASMINE TRAVERS (the "Respondent"), Registered Nurse License Number R067911, pursuant to the Maryland Nurse Practice Act (the "Act"), Md. Code Ann., Health Occ. §§ 8-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.). The pertinent provisions of the Act are as follows:

§ 8-316 (a) *In general.* – Subject to the hearing provisions of § 8-317 of this subtitle, the Board may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the . . . licensee:

- (25) Engages in conduct that violates the professional code of ethics; *to wit,*

Code of Maryland Regulations ("COMAR") 10.27.19.02

C. A nurse may not engage in behavior that dishonors the profession whether or not acting in the capacity or identity of a licensed nurse, including but not limited to:

- (13) Misrepresenting or concealing a material fact in obtaining a license, renewing a license, reinstating a license[.]
- (30) Violates regulations adopted by the Board or an order from the Board[.]

ALLEGATIONS OF FACT¹

The Board bases its charges on the following facts that the Board has cause to believe are true:

¹ The allegations set forth in this document are intended to provide the Respondent with reasonable notice of the alleged charges. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with these charges.

BACKGROUND

1. On or about March 19, 1979, the Board issued to the Respondent a license to practice as a registered nurse ("RN") in the State of Maryland, license number R067911. The current status of the Respondent's RN license is "active-probation." The Respondent's RN license is due to expire on February 28, 2023. The compact status of the Respondent's RN license is "Single State."
2. On or about December 6, 2011, the Board received a complaint regarding the Respondent's nursing practice.
3. On or about July 24, 2013, the Board charged the Respondent with violating the Nurse Practice Act, specifically Md. Code Ann., Health Occ. § 8-316(a) (8), (10), (24), and (30).
4. The Respondent failed to request a hearing and on February 24, 2014, a default proceeding was held.

ORDER OF PROBATION

5. On April 15, 2014, the Board issued a default "*Final Decision and Order of Probation*" ("Probation Order")² placing the Respondent's RN license on probation for a minimum of two (2) years. The Probation Order is attached hereto and incorporated herein as Appendix A.
6. Under the Probation Order, the Board ordered that the Respondent's practice as an RN be subject to the following terms and conditions:

....

2. The Respondent may seek and or continue employment as a registered nurse but shall obtain Board approval prior to accepting any nursing positions;

² In the Probation Order, the Board found that the Respondent had failed to properly supervise a medication technician that was practicing under the Respondent's direct delegation and also failed to properly document assessments and physician's orders for patients under her care. The Board concluded, as a matter of law, that the Respondent had violated Health Occ. § 8-316(a) (8) and (24). In its discretion, the Board declined to find the Respondent had violated Health Occ. § 8-316(a) (10) and (30).

3. The Respondent shall immediately notify all employers of the probationary status of the Respondent's license and arrange for all employers to submit, in writing, confirmation that they have reviewed this Order;
4. The [Respondent] shall arrange for the Respondent's supervisor at the Respondent's place of employment to submit written quarterly Work-Site reports to the Board evaluating the Respondent's nursing practice. If the Respondent's employment terminates at any of the Respondent's place(s) of employment prior to the due date of a quarterly report, then a final workplace report is due on the last day of employment. It is the Respondent's responsibility to ensure that such reports are submitted to the Board and to notify the Respondent's supervisor when these reports are due. An unsatisfactory report will be considered a violation of probation and this Order;
5. The Respondent shall notify the Board in writing of any nursing position from which she is terminated by her employer and/or of any nursing position from which she voluntarily resigns within **THREE (3) BUSINESS DAYS** of the date of termination and resignation. The Respondent shall include the reasons for the termination or resignation in any written notification to the Board. Failure to provide written notification to the Board of any termination or resignation as required by this paragraph shall constitute a violation of probation and this Order;
6. The Respondent shall submit to the Board written quarterly self reports describing the [Respondent's] progress. Failure to provide written self reports on time shall constitute a violation of probation and this Order;
7. The Respondent shall not act as a delegating nurse within the meaning of COMAR 10.27.11.01 *et seq.*, unless the Respondent obtains prior written approval from the Board;
8. The Respondent shall not engage in medication technician training within the meaning of COMAR 10.39.04.07.C., unless the Respondent obtains prior written approval from the Board;
9. The Respondent shall satisfactorily complete course approved in advance by the Board in **1) MEDICATION ADMINISTRATION; 2) PROFESSIONAL ACCOUNTABILITY; and 3) DOCUMENTATION** and shall provide written proof of successful completion of these courses to the Board within **THREE (3) MONTHS** of the effective date of this Order. Failure to provide written proof of successful completion of these courses shall constitute a violation of probation and this Order;

....

12. In the event the Respondent moves permanently or temporarily, either within or outside the State of Maryland, the Respondent shall notify the Board of the Respondent's new address and phone number within three days of the move;

....
(Probation Order, pp. 6-9.)

7. The Probation Order further provides:

ORDERED that if the Respondent violates any of the terms and conditions of this probation and/or this Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under H.O. § 8-316(a) including a reprimand, additional probation, stayed or active suspension, revocation, and/or monetary fine, said violation being proven by a preponderance of the evidence[.]

(Probation Order, p. 9.)

8. The Probation Order further provides:

ORDERED that no earlier than **TWO (2) YEARS** after the effective date of this Order, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with the probationary terms of this Order and safely employed as a registered nurse for at least **NINE (9) MONTHS** immediately preceding submission of a petition for termination of probation[.]

(Probation Order, p. 9-10.)

Self-Reports

9. From April 15, 2014 to September 22, 2021, the Respondent was required to submit thirty (30) quarterly Self-Reports to the Board. The Respondent failed to submit any Self-Reports to the Board during the entire duration of her probation.

Employment Verification and Work-Site Reports

10. In her 2015, 2017, 2019, and 2021 RN renewal applications, the Respondent indicated that she had been employed as a nurse for 1,000 hours in the last five (5) years. However, the Board

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received no Work-Site Reports from Respondent's employer(s) during the entire duration of her probation from April 15, 2014 to September 22, 2021.

11. Upon further investigation in August 2021, Board Staff learned that the Respondent was employed as an RN with a home health care agency ("Agency") from 2013 until 2021.

12. The Respondent failed to obtain Board approval prior to accepting the position at the Agency.

13. The Respondent failed to notify the Agency of the Probation Order and failed to ensure that the Agency provided the Board with written verification that they had reviewed the Probation Order.

Acting as a Delegating Nurse

14. According to the Respondent's job description received from the Agency, the Respondent's responsibilities included "evaluat[ing] and educat[ing] the Home Health Aides in the patient's home with their daily care giving obligations and plans" indicating that she was acting as a delegating nurse within the meaning of COMAR 10.27.11.01 *et seq.*

Board Approved Courses

15. The Respondent failed to provide the Board written documentation that she had successfully completed Board approved courses in Medication Administration, Professional Accountability, and/or Documentation within three (3) months of the effective date of the Probation Order.

RN Renewal Applications

16. On or about March 13, 2013, in her online RN renewal application, the Respondent indicated that she had been employed as an RN for 1,000 hours in the last five (5) years. The

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Respondent also answered “No” to the question, “Have you had disciplinary action taken against your license in any state?”³

17. On or about February 9, 2015, in her online RN renewal application, the Respondent indicated that she had been employed as an RN for 1,000 hours in the last five (5) years. The Respondent also answered “No” to the question, “Have you had disciplinary action taken against your license in any state?”

18. On or about January 17, 2017, in her online RN renewal application, the Respondent indicated that she had been employed as an RN for 1,000 hours in the last five (5) years. The Respondent also answered “No” to the question, “Have you had disciplinary action taken against your license in any state?”

19. On or about January 15, 2019, in her online RN renewal application, the Respondent indicated that she had been employed as an RN for 1,000 hours in the last five (5) years. The Respondent also answered “No” to the question, “Have you had disciplinary action taken against your license in any state?”

20. On or about March 1, 2021, in her online RN renewal application, the Respondent indicated that she had been employed as an RN for 1,000 hours in the last five (5) years. The Respondent also answered “No” to the question, “Have you had disciplinary action take against your license in any state?”

³ In addition to the April 15, 2014 Probation Order, the Board had issued a *Final Decision and Order of Reprimand*, In the Matter of Jasmine Travers, License Number R067911 (“Order of Reprimand”) on September 26, 2012 reprimanding the Respondent’s RN license. In the Order of Reprimand, the Board found that the Respondent had taught MT training program classes exceeding six hours per day in violation of the Board’s regulations and concluded that the Respondent had violated Health Occ. § 8-316(a) (30).

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NOTICE OF POSSIBLE SANCTIONS

If the Board finds that there are grounds for action under Md. Code Ann., Health Occ. § 8-316 (a) (25), and/or (30) the Board may impose disciplinary sanctions against the Respondent's license, pursuant to COMAR 10.27.26, including a reprimand, additional probation, stayed or active suspension, revocation, and/or monetary fine (penalty).

September 30, 2021
Date

Karen E. B. Evans MSN, RN-BC
The Executive Director's Signature
Appears on the Original Document

APPENDIX A

The Board's charging document was sent to the Respondent's last known address pursuant to H.O. § 8-317(e). Furthermore, Md. Code Ann., State Gov't § 10-209(c) provides that a person holding a license shall be deemed to have had reasonable opportunity to know of the fact of service if: 1) the person is requested by law to notify the agency of a change of address within a specified period of time; 2) the person failed to notify the agency in accordance with the law; 3) the agency mailed the notice to the address of record; and 3) the agency did not have actual notice of the change of address prior to service. The Board has received no notice that the Respondent has changed her address; therefore, the Board finds that service of the charging document was proper.

The Respondent failed to request a hearing. On February 24, 2014, a quorum of the Board was present and a default proceeding was held. Tracy Bull, administrative prosecutor, presented the case on behalf of the State of Maryland.

II. FINDINGS OF FACT

The Board makes the following findings of fact based upon the entirety of the record:

1. At all times relevant, the Respondent was licensed to practice as a registered nurse ("RN") in the State of Maryland, license number R067911.
2. On or about December 6, 2011, the Board received a complaint from a Community Health Nurse from the Montgomery County Department of Health and Human Services regarding the Respondent's nursing practice.
3. In November 2011, a 93-year-old female (the "Patient") was receiving in-home nursing care under the Medicaid Home and Community Based Services Waiver Program. The Patient is partially oriented to time and place and has the following diagnoses: blindness in her

right eye, electrolyte imbalance, a history of urinary tract infections, hypertension, asthma, history of gastrointestinal bleeding, and osteoporosis with kyphosis.

4. The Respondent was employed as an RN through a home health care staffing agency (the "Agency"). According to the Patient's Plan of Care, the Respondent was to provide RN monitoring every 30 days and to "monitor the medical status of the client and to supervise the care and medication administration by the Attendant Caregiver."

5. A medication technician ("the MT") was employed as the Attendant Caregiver and worked as a medication technician under the delegation of the Respondent. The MT was employed to assist with medication administration and activities of daily living for twelve (12) hours per day, five (5) days per week.

6. According to the complaint, on or about November 30, 2011, a Community Health Nurse and Social Worker conducted a joint visit for a Maryland Department of Health and Mental Hygiene Adult Evaluation Review Services Comprehensive Evaluation and Recommended Plan of Care review for the Patient.

7. The Community Nurse found a discrepancy between the medications that were physically on-site in the Patient's home and the documentation on the Patient's Medication Administration Records (MARs). The Patient's MARs indicated, by the MT's initials, that the MT had administered Klor-Con¹ to the Patient twice daily at 8:00 a.m. and 8:00 p.m. for the entire month of November 2011. The Community Health Nurse found no Klor-Con on-site and the Patient's daughter (the "Daughter") stated that the doctor had discontinued the Klor-Con in

¹ Klor-Con is the trade name for potassium acetate potassium bicarbonate used for the prevention and treatment of hypokalemia.

September 2011. When questioned by the Community Health Nurse about her documentation in the MARs, the MT stated that "it was a mistake."

8. Family members administered the Patient's medications on the weekends, but upon further review of the Patient's MARs, the Community Health Nurse found that the MT had checked the weekend days on the MARs.

9. According to the Patient's records, the Respondent performed monthly visits and completed RN Monitor reports for the Patient on September 21, 2011, October 17, 2011, and November 18, 2011.

10. According to the Medicaid Home and Community Based Services Reportable Event Form, the Social Worker reported the incident to the Agency and requested that the Respondent be "removed from the case and that another RN monitor be assigned in order to provide oversight, direction and professional guidance to the CMT."

11. In her January 31, 2012 written statement to the Board, the Respondent wrote that she started working with the Patient on November 19, 2011. The Respondent wrote that when she made her visit to see the Patient, the MT told her that she (the MT) had misplaced the MAR. The Respondent wrote that she did not see the MAR and "had forgotten to follow-up."

12. Upon further review of the Patient's medical records, the Respondent signed a Participant Assessment Form for the Patient on September 21, 2011. The Respondent wrote the following on the form under Medication Management section: Oxycodone 5/325 1 tab, qid; (Patient's name) 1 bid; Pepcid ac 20 mg, 1 daily; Norvasc 5 mg, 1 daily; Benicar, 40 mg, bid.

13. The Patient's MAR does not contain documentation for Norvasc.

14. The Respondent signed the Caregiver Assessment dated October 17, 2011 and wrote "Yes", "medication record reviewed by RN" indicating that she had reviewed the Patient's MAR on October 17, 2011.

15. On May 9, 2012, the Board's Investigator interviewed the Respondent. During the interview with the Board's Investigator, the Respondent had no explanation as to why she wrote the Patient's name on the Assessment form as if it was a medication.

16. In addition, the Respondent told the Board's Investigator that when she spoke to the physician regarding the Patient's blood pressure, he prescribed the Norvasc. There was no documentation of the conversation with the physician in the Patient's records. The Respondent stated that when a new medication was ordered by the physician, she would advise the family to pick up the prescription. The Respondent stated that the MT would write the MARs for the Patient.

17. During the interview with the Board's Investigator, the Respondent initially stated that she had never observed the MT administer medications.

18. The Board finds that the Respondent failed to properly supervise a medication technician that was practicing under the Respondent's direct delegation. Furthermore, it is apparent from the evidence presented that the Respondent failed to properly document assessments and physician orders. Therefore, the Board finds that the Respondent violated H.O. § 8-316(a)(8) and (24).

19. In its discretion, the Board declines to find that the Respondent violated H.O. § 8-316(a)(10) and (30).

20. The Board finds that the Respondent's violations of the Nurse Practice Act fall within category F.(2) of the Board's sanctioning guidelines. *See* COMAR 10.27.26.07.F.(2) The

range of potential sanctions under category F.(2) includes reprimand to revocation and/or a minimum fine of \$1,000 to a maximum fine of \$5,000. *Id.*

III. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. § 8-316(a):

- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of registered nursing or licensed practical nursing; and
- (24) Fails to properly supervise individuals to whom nursing acts or responsibilities have been delegated.

IV. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that, beginning on the effective date of this Order, the license of the Respondent to practice as a registered nurse in the State of Maryland is placed on **PROBATION** for a minimum of **TWO (2) YEARS** subject to the following terms and conditions:

1. The Respondent's status as a registered nurse will be listed in the Board's computer records and website as being on "Probation";
2. The Respondent may seek and or continue employment as a registered nurse but shall obtain Board approval prior to accepting any nursing positions;
3. The Respondent shall immediately notify all employers of the probationary status of the Respondent's license and arrange for all employers to submit, in writing, confirmation that they have reviewed this Order;
4. The Respondent shall arrange for the Respondent's supervisor at the Respondent's place of employment to submit written quarterly Work-Site reports to the Board

evaluating the Respondent's nursing practice. If the Respondent's employment terminates at any of the Respondent's place(s) of employment prior to the due date of a quarterly report, then a final workplace report is due on the last day of employment. It is the Respondent's responsibility to ensure that such reports are submitted to the Board and to notify the Respondent's supervisor when these reports are due. An unsatisfactory report will be considered a violation of probation and this Order;

5. The Respondent shall notify the Board in writing of any nursing position from which she is terminated by her employer and/or of any nursing position from which she voluntarily resigns within **THREE (3) BUSINESS DAYS** of the date of termination and resignation. The Respondent shall include the reasons for the termination or resignation in any written notification to the Board. Failure to provide written notification to the Board of any termination or resignation as required by this paragraph shall constitute a violation of probation and this Order;

6. The Respondent shall submit to the Board written quarterly self reports describing the Respondent's progress. Failure to provide written self reports on time shall constitute a violation of probation and this Order;

7. The Respondent shall not act as a delegating nurse within the meaning of COMAR 10.27.11.01 *et seq.*, unless the Respondent obtains prior written approval from the Board;

8. The Respondent shall not engage in medication technician training within the meaning of COMAR 10.39.04.07.C., unless the Respondent obtains prior written approval from the Board;

9. The Respondent shall satisfactorily complete course approved in advance by the

Board in 1) **MEDICATION ADMINISTRATION**; 2) **PROFESSIONAL ACCOUNTABILITY**; and 3) **DOCUMENTATION** and shall provide written proof of successful completion of these courses to the Board within **THREE (3) MONTHS** of the effective date of this Order. Failure to provide written proof of successful completion of these courses shall constitute a violation of probation and this Order;

10. At any time during the probationary period, the Board may, in its discretion, order the Respondent to submit to an appropriate examination by a health care provider designated by the Board. The Respondent shall sign all necessary consent forms required to authorize disclosure of the examiner's written report to the Board, and the Board will pay the costs of this examination;

11. The Respondent shall submit to an in-person, face-to-face meeting with Board staff if requested to do so throughout the entire duration of the probationary period;

12. In the event the Respondent moves permanently or temporarily, either within or outside the State of Maryland, the Respondent shall notify the Board of the Respondent's new address and phone number within three days of the move;

13. The Respondent shall disclose a copy of this Order to the nursing board of any other state where the Respondent is employed and shall obtain and submit to this Board written acknowledgement of that disclosure;

14. The Respondent shall obey all state and federal laws. If the Respondent is convicted of, or pleads guilty to, any crimes, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Respondent shall notify the Board, in writing, of any conviction(s) or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a conviction or guilty plea to the

Board in writing within **TEN (10) DAYS** is a violation of probation and this Order;

15. The Respondent shall have contacted, and scheduled an appointment with, the Board of Nursing's Discipline/Compliance unit no later than **THIRTY (30) DAYS FROM THE EFFECTIVE DATE OF THIS ORDER**, for the purpose of beginning compliance with the terms and conditions of probation. Failure to do so will constitute a violation of probation and of this Order; and it is further

ORDERED that the Respondent shall be responsible for paying all costs required to comply with the terms and conditions of this Order; and it is further

ORDERED that this Order shall be applicable to the Respondent's multi-state privilege to practice registered nursing and, for the duration of this Order, the Respondent may not work outside the State of Maryland pursuant to a multistate licensure privilege without written permission of the Maryland Board of Nursing and the nursing board in the party state where the Respondent wishes to work; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this probation and/or this Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under H.O. § 8-316 including a reprimand, additional probation, stayed or active suspension, revocation, and/or monetary fine, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that no earlier than **TWO (2) YEARS** after the effective date of this Order, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with the probationary terms of this Order and

safely employed as a registered nurse for at least **NINE (9) MONTHS** immediately preceding submission of a petition for termination of probation; and it is further

ORDERED that there shall be no early termination of the **TWO (2) YEAR** probationary period. The Board will not consider any requests from the Respondent to terminate probation any earlier than two (2) years from the effective date of this Order; and it is further

ORDERED that this document is a **PUBLIC DOCUMENT** under Md. Code Ann., State Gov't §§ 10-611, *et seq.* (2009 Repl.

April 15, 2014
Date

PATRICIA A. NOBLE
THE EXECUTIVE DIRECTOR'S SIGNATURE
APPEARS ON THE ORIGINAL DOCUMENTS

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Code Ann., Health Occ. § 8-316(a) may take a direct judicial appeal within thirty (30) days as provided by Md. Code Ann., Health Occ. § 8-318, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").